IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.5581 of 2008
ARVIND SHARMA & ANR
Versus
STATE OF BIHAR
---

5. 4.8.2008 Heard.

Two petitioners are not named in the F.I.R. of the case under section 364A of the Indian Penal Code. Their names subsequently appeared in the statement of about half a dozen witnesses in respective paragraphs of the case diary as appears in the rejection order.

The contention is that F.I.R. also contains statement that the informant learnt about the occurrence from three witnesses, namely, Surendra Yadav, Mukesh Yadav and Dahu Yadav and those are the witnesses whose statement subsequently was recorded by the police to implicate the petitioner. The contention, as such, is that if at all the witnesses had identified the two petitioners or any one, they could have told the informant about the names and participation and, as such, there was a likelihood that the petitioners would have been named in the F.I.R. The further contention is that the victim, who was also recovered, has named two persons other than the two petitioners on account of identifying them. The third contention was that the witnesses, who informed the informant about the incident, were present at the place at the time of recording of the statement, but still the names of the accused persons were not uttered by the informant. It is contended further that two other accused persons, who were named by the above named witnesses, had been admitted to bail by one of the

WEB COPY
NOT OFFICIAL

Additional Judges and that is recorded in the rejection order also.

Regard being had to the facts and circumstances of the case and the contention and absence of the names of the petitioners either in the F.I.R. or in the statement of the victim, let petitioners, namely, Arvind Sharma and Dhalo Miyan be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Khagaria, in connection with Beldaur P.S. case no.66 of 2006 (G.R. no.1379 of 2006).

Sudip **(Dharnidhar Jha, J.)**

WEB COPY NOT OFFICIAL